

रजिस्टर्ड नं० एस० एम० 14.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 11 अक्टूबर, 1974/19 आश्विन, 1896

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

*Simla-2, the 7th October, 1974*

No. LLR-D(6)12/74.—The Himachal Pradesh Land Holdings Tax Bill, 1974 (Bill No. 8 of 1974) after having received the assent of the Governor, Himachal Pradesh, on the 5th October, 1974.

under Article 200 of the Constitution of India, is hereby published  
in the Rajpatra, Himachal Pradesh, as Act, No. 21 of 1974.

M. C. PADAM,  
*Under Secretary.*

Act No. 21 of 1974.

**THE HIMACHAL PRADESH LAND HOLDINGS TAX  
ACT, 1974**

(ACT NO. 21 OF 1974)

AN

ACT

*to provide for the levy and collection of tax on land holdings.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Land Holdings Tax Act, 1974.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, specify.

(4) The provisions of this Act shall not apply to—

(a) lands held by the State Government or the Central Government;

(b) lands held by local authorities;

(c) lands held by Himachal Pradesh University; and

(d) lands held by the Bhudan Yagna Board established under the law in force in the State of Himachal Pradesh.

2. In this Act, unless the context otherwise requires,—

(a) “assessee” means a person by whom the land holdings tax is payable under this Act;

(b) “Assessing Authority” means an officer appointed to perform the functions of the Assessing Authority under this Act;

(c) “banjar land” means the land recorded as such in the record of the revenue estate;

(d) “Commissioner” means an officer appointed to perform the functions of the Commissioner under this Act;

(e) “Deputy Commissioner” means an officer appointed to perform the functions of the Deputy Commissioner under this Act;

(f) “family”, in relation to a person, means his or her spouse and their children who have not completed the age of eighteen years;

*Explanation.*—A married daughter shall not be treated as a child.

(g) “financial year” means the year beginning on the 1st April and ending on the 31st March next following;

(h) “Financial Commissioner” means an officer appointed to perform the functions of the Financial Commissioner under this Act;

(i) “firm”, “partner” and “partnership” have the same meanings respectively as in the Indian Partnership Act, 1932;

(j) “land” means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, and includes,—

(a) the sites of buildings and other structure on such land; and

(b) orchards,

but shall not include:—

(a) ghasnies,

(b) banjar land,

(c) private forests, and

(d) tea gardens;

Short title,  
extent, com-  
mencement  
and applica-  
tion.

Definitions

- (k) "land holding" shall have the same meaning as is assigned to it in section 3;
- (l) "land holding tax" means the tax levied and charged under section 6 and the same shall hereinafter be referred to as the tax ;
- (m) "land revenue" means revenue assessed under any law for the time being in force or assessable under the Himachal Pradesh Land Revenue Act, 1954, or the Punjab Land Revenue Act, 1887, as the case may be;
- (n) "orchard" means a compact area of land having fruit bearing trees grown thereon in such number that they preclude or when fully grown would preclude, a substantial part of such land from being used for any agricultural purpose;
- (o) "person" means any individual or association of individuals owning or holding property for himself or for any other or partly for his own benefit and partly for another, either as owner, lessee, tenant, mortgagee, trustee, receiver, common manager, administrator or executor or in any capacity recognised by law, and includes a Hindu-undivided family, a firm or a company, an association of individuals, whether incorporated or not, and any institution capable of holding property;
- (p) "private forest" means a forest which is not the property of the Government or over which the State has no proprietary rights or to the whole of the forest produce of which the State is not entitled;
- (q) "prescribed" means prescribed by rules made under this Act;
- (r) "rateable acre" means a unit of land adopted for the purposes of this Act in accordance with the conversion table given in section 5;
- (s) "schedule" means a schedule appended to this Act;
- (t) "State" means the State of Himachal Pradesh;
- (u) "tax circle" or "circle" means the tax circle notified under sub-section (3) of section 4;
- (v) "tea garden" means the area under tea plantation and includes such other area necessary for purposes subservient to the plantation as may be prescribed; and
- (w) all other words and expressions used herein and not defined in this Act, but defined in the Himachal Pradesh Tenancy and Land Reforms Act, 1972, or the Himachal Pradesh Land Revenue Act, 1954, or the Punjab Land Revenue Act, 1887, shall have the same meanings as are assigned to them in any of these Acts.

6 of 1954  
17 of 1887

8 of 1974  
6 of 1954  
17 of 1887

Land holding.

3. For the purposes of this Act, "land holding" means the total land in the State in possession of a person whether as an owner, mortgagee, lessee, tenant or in any other lawful capacity and when such a person is not the sole member of the family, the aggregate of land possessed by all the members of the family in any of the capacities aforesaid.

Taxing authorities and tax circles.

4. (1) For carrying out the purposes of this Act, the State Government may appoint a Financial Commissioner and such number of Commissioners, Deputy Commissioners and Assessing Authorities as it may deem fit.

(2) All persons appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code 1860.

45 of 1860

(3) For the purpose of this Act, the State Government shall, by notification in the Official Gazette, divide the State into tax circles and may alter the limits or the number of such circles and shall also determine the headquarters of each such tax circle.



5. For the purposes of this Act, the land holding of a person shall be converted into rateable acres in the prescribed manner in accordance with the following conversion table:—

Conversion  
into rateable  
acres.

- |  |                    |
|--|--------------------|
| (i) one ordinary acre of orchard growing apples, lichies, cherry and kalmi mangoes and which has attained the age of twelve years =                                  | 5 rateable acres.  |
| (i) (A) one ordinary acre of orchard growing pears, which has attained the age of twelve years =   | 3 rateable acres.  |
| (ii) one ordinary acre of orchard growing apricots, plums, peaches, citrus fruits of all varieties, almonds, persimmon and which has attained the age of ten years = | 3 rateable acres.  |
| (iii) one ordinary acre of orchard growing loquat and which has attained the age of eight years =  | 3 rateable acres.  |
| (iv) one ordinary acre of orchard growing bananasi or grapes and which has attained the age of six years =   | 3 rateable acres.  |
| (v) one ordinary acre of orchard growing mango tukhmi or walnuts and which has attained the age of twenty-five years =   | 3 rateable acres.  |
| (vi) one ordinary acre of orchard growing fruits other than those mentioned in (i) to (v) above and which has attained the age of fifteen years =                    | 3 rateable acres.  |
| (vii) one ordinary acre of irrigated land growing two crops a year (both irrigated) =  | 2 rateable acres.  |
| (viii) one ordinary acre of irrigated land growing one irrigated crop in a year =  | 1½ rateable acres. |
| (ix) one ordinary acre of un-irrigated land under cultivation =  | 1 rateable acre."  |

6. (1) There shall be levied and charged for each financial year a tax to be called the land holdings tax on the land holding of a person as held by him at the commencement of the financial year under assessment and at the rates specified in Schedule 'A'.

Levy of tax

(2) The rates specified in Schedule 'A' shall continue for a period of 5 years commencing from the 1st April, 1974:

Provided that the State Government may, by notification in the Official Gazette, from time to time, reduce or enhance the rates of tax generally or in respect of any specified area or class of persons, subject, however, to the condition that such reduction or enhancement shall, in no case, be more than 25% of the rates specified in Schedule 'A':

Provided further that the State Government may also by a notification in the Official Gazette amend the limit of exemption of 20 rateable acres laid down in the Schedule subject to the condition that such amendment shall not vary the exemption limit by more than 25 per cent.

(3) Any land revenue, surcharge and water rate thereon payable by an assessee in respect of his land holding under the provisions of any law for the time being in force, shall be deducted from the tax leviable in respect of such holding under this Act.

7. (1) The tax chargeable under section 6 shall be payable by a person in two equal half-yearly instalments unless otherwise ordered by the Assessing Authority.

Tax by  
whom and  
when pay-  
able.

(2) Where an assessee dies without paying the tax chargeable in respect of his land holding, the amount of unpaid tax shall be recoverable from his

heirs and legal representatives succeeding to his estate and the liability of such heirs and legal representatives shall be several as well as joint.

(3) Where an assessee transfers his land holding without paying the tax chargeable in respect of the same for any previous period, or for the financial year in which the transfer takes effect, the Assessing Authority may recover the whole or any part of the tax chargeable, from the transferee; provided, however, that the transferee shall be entitled to realize the amount so paid from his transferer.

Liability of  
Court of  
Wards, Ad-  
ministrators-  
General etc.

8. (1) In the case of land holding taxable under this Act which the Court of Wards, Administrator-General or Official Trustee or any receiver, administrator, executor, trustee, guardian or manager appointed by or under any law or by an order of the court or by written agreement is entitled to hold on behalf of any person, the tax shall be levied upon and recoverable from the Court of Wards, Administrator-General, Official Trustee or from such receiver, administrator, executor, trustee, guardian or manager, as the case may be, in like manner, and to the same amount as it would be leviable upon and recoverable from the person on whose behalf such land holding is held, and all the provisions of this Act shall apply accordingly.

(2) Nothing contained in sub-section (1) shall prevent either the direct assessment of the person on whose behalf the land holding is held or the recovery from such person of the tax payable in respect of such land holding.

Non-resi-  
dent.

9. (1) In the case of any person residing outside the State his land holding shall be chargeable to tax either in his name or in the name of his agent and in the latter case, such agent shall be deemed to be, for all the purposes of this Act, the assessee in respect of such tax.

(2) Any person employed by or on behalf of a person residing out of the State or through whom the non-resident person is in possession of the land holding, upon whom the Assessing Authority has caused a notice to be served of his intention of treating him as the agent of the non-resident person shall for purposes of his Act, be deemed to be such agent:

Provided that no person shall be deemed to be the agent of a non-resident person, unless he has had an opportunity of being heard by the Assessing Authority as to his liability.

Submission  
of returns.

10. (1) Every person whose land holding at the commencement of a financial year exceeds 20 rateable acres, shall, not later than 30th June of the same year, be liable to furnish a return to the Assessing Authority in Form No. (i) given in Schedule 'B'; provided that the Assessing Authority may extend the above date for reasons to be recorded.

(2) The return under sub-section (1) shall be furnished to the Assessing Authority in whose jurisdiction the land holding is situate and in case it is situate within the jurisdiction of more than one Assessing Authorities, the return shall be furnished to the Assessing Authority in whose jurisdiction, the largest portion of the land holding is situate.

Power of  
Assessing  
Authority  
to call for  
returns.

11. (1) The Assessing Authority may, by notice in the prescribed form call upon any person holding land within its jurisdiction, to furnish a return referred to in section 10.

(2) Whenever a return furnished in response to notice under sub-section (1) shows that the largest portion of the land holding of the person, furnishing such return, is situate within the jurisdiction of some other Assessing Authority, the return shall be forwarded to such other Assessing Authority under intimation to the person concerned.

Procedure  
for levy.

12. (1) After considering the returns furnished under sections 10 and 11 and holding such enquiry as it may deem fit, the Assessing Authority shall prepare, check and display or cause to be prepared, checked and

displayed a list in Form No. (ii) given in Schedule 'B', in respect of all the assesseees in its tax circle.

(2) Any person having any objection in regard to any entry in the list prepared and displayed under sub-section (1) may within a period of one month from the date of display of such list, file such objections before the Assessing Authority.

(3) The Assessing Authority shall dispose of the objections in a summary manner at a prominent place in the estate at a specified date and time to be notified in the manner prescribed. The objector may appear personally or through an authorised person before the Assessing Authority and make oral submission in support of the objections if he so desires.

(4) The list prepared under sub-section (1) shall be approved or modified in the presence of the persons and the same shall be announced at the spot.

(5) The amount of tax levied on a land holding, on the basis of the list prepared under sub-section (4), shall not be varied as a result of any addition/reduction in the land holding due to inheritance, transfer or otherwise.

13. (1) Whenever there exist circumstances to apprehend that the total produce of a land holding in any financial year is likely to be damaged to an extent of more than 33% of its normal produce, the assessee or his agent shall in the prescribed form issue notice duly supported by an affidavit of such circumstances to the Assessing Authority in whose tax circle such damage is apprehended.

Remission

(2) Immediately on receipt of a notice under sub-section (1), the Assessing Authority shall forward the same to the Tehsildar/Naib-Tehsildar or the Collector of the area, depending upon whether the apprehended damage, as reported by the assessee, is upto 50% or more than 50%.

(3) Within one month of the receipt of notice under sub-section (1) in the office of the Assessing Authority, the Tehsildar/Naib-Tehsildar or the Collector, as the case may be, shall, in the prescribed manner, inspect the land holding, mentioned in the notice, and submit his report about the damage found to the Deputy Commissioner and the Commissioner respectively.

Provided that in case, the Tehsildar/Naib-Tehsildar or the Collector, as the case may be, fails to inspect the land holding within the prescribed period under this sub-section, the quantum of damage given by the assessee in his notice shall be assumed as correct and he shall be entitled to get relief.

(4) The Deputy Commissioner or the Commissioner, as the case may be, after considering the report received under sub-section (3) and holding such further enquiry as considered necessary, shall order remission of the tax for that financial year as under:—

(i) In case of damage upto 33%	Nil;
(ii) In case of damage exceeding 33% but not exceeding 50%	Not exceeding 25% of the tax;
(iii) In case of damage exceeding 50% but not exceeding 75%	Not exceeding 50% of the tax;
(iv) In case of damage exceeding 75%	100%:

Provided that the Deputy Commissioner shall not be competent to order remission exceeding 50%.

The procedure adopted by the Commissioner shall be such as may be prescribed.

(5) Any person aggrieved by the order of the Deputy Commissioner or the Commissioner, made under sub-section (4), may, within a period of 30 days from the date of such order, prefer an appeal, in case it is against the order of the Deputy Commissioner to the Commissioner and in case it is against the order of the Commissioner to the Financial Commissioner, in such form and manner, as may be prescribed:

Provided that the Commissioner or the\* Financial Commissioner, as the case may be, may entertain the appeal even after the expiry of the said period of 30 days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal on any earlier day. The Commissioner or the Financial Commissioner, as the case may be, may pass such order on appeal as he thinks fit and his order shall be final subject to the provisions of sub-section (4) of section 14.

Appeal and  
revision.

14. (1) Any person aggrieved by an order of the Assessing Authority made under sub-section (4) of section 12 may within a period of thirty days from the date of such order, prefer an appeal to the Deputy Commissioner in such form and manner as may be prescribed:

Provided that the Deputy Commissioner may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Deputy Commissioner may pass such order on the appeal as he thinks fit.

(3) Any person aggrieved by an order of the Deputy Commissioner made under sub-section (2) may, within a period of sixty days from the date of order, file a revision petition before the Commissioner so as to challenge the legality or propriety of such order and the Commissioner may pass such order as he may deem fit.

(4) Notwithstanding anything contained in the foregoing sub-sections, the Financial Commissioner may, *suo moto*, at any time, call for the record of any proceedings or order of any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or order and may pass such order in relation thereto as he may deem fit:

Provided that no order shall be passed to the disadvantage of any person unless he has been afforded an opportunity of being heard.

Review

15. (1) An authority under the Act may, either of its own motion or on the application of the party interested, review, and on so reviewing, modify, reverse or confirm any order passed by it or by any of its predecessors in office:

Provided as follows:—

(a) when an Assessing Authority or the Deputy Commissioner proposes to review any order, whether passed by it or him or by any of its or his predecessors in office, it or he shall first obtain the sanction of the Deputy Commissioner or the Commissioner, as the case may be;

(b) an application for review of an order shall not be entertained unless it is made within ninety days from the date of passing of the order;

(c) an order shall not be modified or reversed unless the affected party has been given a reasonable opportunity of being heard; and

(d) an order against which an appeal has been preferred shall not be reviewed.

(2) No appeal shall lie from an order refusing to review any order.

(3) No appeal or application for revision or review made by any person under the Act shall be entertained by the competent authority unless amount of tax demanded has been paid by such person.

16. Clerical arithmetical errors in any order passed by any officer other than the Assessing Authority, arising from any accidental slip or omission may, within a period of ninety days from the date of such order, either of his own motion or on an application received in this behalf from any person, be corrected by such officer:

Correction of clerical errors.

Provided that no order shall be passed to the disadvantage of any person unless he has been afforded an opportunity of being heard.

17. (1) The assessee shall deposit the amount of tax payable by him under the Act in the manner as may be prescribed by the State Government in this behalf.

Payment of tax.

(2) When the payment of any tax under this Act falls due, the amount may be recovered as if it were an arrear of land revenue.

18. No civil court shall have jurisdiction to entertain or decide any matter which an officer or authority is empowered by or under this Act to dispose of or take cognizance of, or, in which an officer or authority exercises any powers vested in him or it by or under this Act.

Bar of jurisdiction.

19. Every person deducting, retaining or paying any tax in pursuance of this Act in respect of any land holding belonging to any other person is hereby indemnified for the deduction, retention or payment thereof.

Indemnity

20. A notice or requisition under this Act may be served on the person therein named in the manner as prescribed in the Code of Civil Procedure for the service of summons.

Manner of service of notice.

21. (1) The State Government may, by notification and subject to the previous publication, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under sub-section (1) shall be laid, as soon as may be after it is made, before the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the legislature requires any modification in the rule or desires that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Power to remove difficulties.

23. The State Government may, by notification, make addition to, or omission from, or otherwise amend Schedule 'B', and thereupon the Schedule 'B' shall be deemed to be amended accordingly.

Power to amend Schedule 'B'.

## SCHEDULE 'A'

(See section 6)

### RATES OF LAND HOLDING TAX

	<i>In case of a person who is the sole mem- ber of the family</i>	<i>In case of others</i>
(i) on the first 20 rate- able acres.	Nil	Nil
(ii) on each rateable acre exceeding 20 but not exceeding 30.	At the rate of Rs. 30 per rateable acre.	At the rate of Rs. 20 per rateable acre.
(iii) on each rateable acre exceeding 30 but not exceeding 45.	At the rate of Rs. 40 per rateable acre.	At the rate of Rs. 25 per rateable acre.
(iv) on each rateable acre exceeding 45 but not exceeding 60.	At the rate of Rs. 50 per rateable acre.	At the rate of Rs. 35 per rateable acre.
(v) on each rateable acre exceeding 60 but not exceeding 75.	At the rate of Rs. 60 per rateable acre.	At the rate of Rs. 45 per rateable acre.
(vi) on each rateable acre exceeding 75 but not exceeding 100.	At the rate of Rs. 75 per rateable acre.	At the rate of Rs. 60 per rateable acre.
(vii) on each rateable acre exceeding 100.	At the rate of Rs. 100 per rateable acre.	At the rate of Rs. 75 per rateable acre.

## SCHEDULE 'B'

(See sections 10 and 12)

FORM No. (i)

[Sub-section (1) of section 10]

Before the Assessing Authority.....Circle.....

Return of land holding under sub-section (1) of section 10 of the Himachal Pradesh Land Holdings Tax Act, 1974.

- (i) Name of the person.
- (ii) Address of the person.
- (iii) Constitution of the person (whether individual, family, firm, company, registered society etc.).
- (iv) In case of family, names of all the members thereof.

- (v) In case of firm, names and addresses of all the partners.
- (vi) Khasra Nos. and situation of the land included in the land holding.
- (vii) Classification of different areas of land included in the land holding for the purposes of section 5 (give khasra Nos. and area of each category).
- (viii) Amount of land revenue and surcharge payable in respect of the land holding.
- (ix) Particulars of additions/reductions in the land holding during the preceding financial year and the manner thereof.
- (x) Remarks.

Verified that the information given above is correct to the best of my knowledge and belief.

Date.....

Place.....

Signature.

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FORM NO. (ii)

[See sub-section (1) of section 12]

List of assesseees in.....Circle.

- (i) Name of the person.
- (ii) Address of the person.
- (iii) Constitution of the person (whether individual, family, firm, company, registered society etc.).
- (iv) In case of family, names of all the members thereof.
- (v) In case of firm, names and addresses of all the partners.

- (vi) Khasra Nos. and situation of the land included in the land holding.
- (vii) Classification of different areas of land included in the land holding for the purposes of section 5 (give khasra Nos. and area of each category).
- (viii) Total rateable acreage.
- (ix) Amount of land revenue and surcharge payable in respect of the land holding.
- (x) Amount of tax calculated at the rates given in Schedule 'A'.
- (xi) Net amount of tax payable after deducting land revenue and surcharge.
- (xii) Particulars of instalments in which the tax is payable.
- (xiii) Remarks.

Assessing Authority,  
.....Circle.